

Message Text

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ACTION COME-00

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R 201330Z SEP 76

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC 7901

INFO AMCONSUL RIO DE JANEIRO

AMCONSUL SAO PAULO

UNCLAS BRASILIA 8086

ATTENTION LEGAL ADVISOR

DEPT PASS USDOC

E.O. 11652: N/A

TAGS: BEXP, BR

SUBJECT: DRAFT DOPLOMATIC NOTE ON SAO PAULO TRADE CENTER

REF: (A) STATE 217963, (B) BRASILIA 7361, (C) STATE 188503

1. REGARDING REFTEL (A) AND PARAGRAPH B III OF DRAFT NOTE, THE SUBJECT OF THE FORM OF FINANCIAL GUARANTEE THAT THE USG WILL PROVIDE WAS DISCUSSED WITH THE BRAZILIAN GOVERNMENT ON TWO OCCASIONS. THE FIRST OCCURED ON JUNE 25, IN THE COVER-SATION BETWEEN MR. RICHARD GARNITZ AND FIRST SECRETARY RUBEM AMARAL OF THE FOREIGN MINISTRY COMMERCIAL PROMOTION DIVISION. AT THAT TIME, MR. AMARAL STATED THAT HE HAD JUST SPOKEN TO THE REPRESENTATIVES FROM THE MINISTRY OF FINANCE, WHO HAD AGREED TO WAIVE THE REGULATION REQUIRING A LOCAL BANK GUARANTOR, IF THE USG WOULD PROVIDE A WRITTEN GUARANTEE IN ITS PLACE. THE SECOND OCCASION WHEN SUBJECT WAS DISCUSSED WAS ON AUGUST 18, IN AN INFORMAL REVIEW OF REFTEL (B) DRAFT NOTE WITH AMARAL. AT THAT TIME, HE REQUESTED THAT, SINCE THE NOTE WOULD SERVE AS A BASIS FOR A DECLARATORY ACT THAT WOULD GOVERN THE FUTURE OPERATION OF THE TRADE CENTER, THE NOTE (AND THEREFORE THE ACT) CONTAIN SPECIFIC REFERENCE TO THE FORM AND CONTENT OF A USG GUARANTEE THAT WOULD ACT IN LIEU OF THE PRESENT PERTINENT BRAZILIAN REGULATION. IT
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SEEMS CLEAR, THEN, THAT THE BRAZILIAN GOVERNMENT WILL REQUIRE

A SEPARATE DOCUMENT TO ATTACH A LETTER TO THE DIPLOMATIC NOTE,
AS PROPOSED REFTTEL (A), AND WOULD APPRECIATE LEGAL ADVISOR'S
CLEARANCE ON FOLLOWING LETTER:

QUOTE: 1. THE GOVERNMENT OF THE UNITED STATES OF
AMERICA HEREBY DECLARES THAT ALL GOOD DISPLAYED BY THE
UNITED STATES TRADE CENTER IN SAO PAULO, BRAZIL WILL BE
USED AND DISPOSED OF SOLELY IN ACCORDANCE WITH THE TERMS
OF THE APPLICABLE REGULATIONS OF THE GOVERNMENT OF BRAZIL.

2. THE UNITED STATES GOVERNMENT UNDERTAKES TO
PAY ON DEMAND, IN CASES OF VIOLATIONS OF THE BRAZILIAN
REGULATIONS, THE APPROPRIATE AMOUNTS OF CUSTOMS DUTIES,
TAXES, PENALTIES, AND FEES.

3. THE UNITED STATES GOVERNMENT UNDERSTANDS THAT
ANY BREACH OF THE BRAZILIAN REGULATIONS RENDERS THE GOODS
CONCERNED LIABLE TO FORFEITURE.

SIGNED, JOHN HUGH CRIMMINS, AMBASSADOR OF
THE UNITED STATES OF AMERICA. END QUOTE.
CRIMMINS

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